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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,703	06/23/2003	Masahiro Funakoshi	03500.017364	5742
5514	7590	06/07/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			CHEN, SOPHIA S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2852	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,703

Applicant(s)

FUNAKOSHI, MASAHIRO

Examiner

Sophia S. Chen

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "D" has been used to designate both "a conveying direction" (page 8, line 14 and Figure 2) and "a left side surface" (page 10, line 20 and Figures 2, 3, and 4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because the reference numeral "52" in Figure 2 points to a wrong place. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwata et al. (U.S. Pat. No. 6,088,553)

The patent discloses an image forming apparatus (page 1, lines 5-10) comprising: a recording material unit 1 (a sheet stack plate 2 being positioned inside the deck 1) which stores recording materials S (Figure 1); an image forming unit 17 which is arranged above the recording material unit 1 and forms an image on the recording material S supplied from the recording material unit 1 (column 4, lines 21-28 and Figure 1); a power supply unit 33 for supplying electric power to the image forming apparatus, wherein the power supply unit 33 is constituted as a unit integral with the recording material unit 1 and is arranged below the image forming unit 17 (column 4, lines 56-64 and Figures 1 and 2); the power supply unit 33 is arranged on an inner side of the recording material unit 1 (Figure 2); and wherein the image forming unit 17 has a discharge portion 26, on which a recording material is discharged, in an upper part thereof (Figure 1).

5. Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitozaki (U.S. Pat. Pub. No. US 2002/0168197 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Kitozaki discloses an image forming apparatus (paragraph [0001]) comprising: a recording material unit (a cassette pedestal apparatus) 112B which stores recording

materials (paragraph [0033], lines 3-7); an image forming unit 101 (positioned inside the printer 106B (Figures 1 and 8) which is arranged above the recording material unit 112B and forms an image on the recording material supplied from the recording material unit 112B (paragraph [0033], lines 3-7); a power supply unit 124B, 127B, or 125B for supplying electric power to the image forming apparatus (paragraph [0034] and Figure 2), wherein the power supply unit 124B, 127B, or 125B is constituted as a unit integral with the recording material unit 112B and is arranged below the image forming unit 101 (Figures 1, 2, 5, 6, and 8); an electrical substrate unit (a control board) 128B for controlling operations of the image forming apparatus, wherein the electrical substrate unit 128B is constituted as a unit integral with the image forming unit (inside the main body 106B; Figure 2) and is arranged above the recording material unit 112B; the power supply unit 124B, 127B, or 125B is inherently heavier than the electrical substrate unit 128B; and the power supply unit 124B, 127B, or 125B is arranged on an inner side of the recording material unit 112B (Figures 1 and 2).

Kitozaki further discloses a power supply cord 119B connected to the power supply unit 124B, 127B, or 125B, wherein the recording material unit 112B has a hole part, through which the power supply cord 119B is passed, on a side surface (rear side) thereof (Figures 2 and 3); wherein the image forming unit 101 has a discharge portion 12, on which a recording material is discharged, in an upper part thereof (Figure 8); and the image forming apparatus further comprising a reader unit 111B, which reads an image on an original to be copied, above the image forming unit (inside the printer main body 106B) 101 (Figure 1).

Allowable Subject Matter

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kato et al. (U.S. Pat. No. 5,512,928) discloses an image forming apparatus comprising an image forming unit; a recording material supply unit; a control apparatus; and a signal generating apparatus unit.

Kida (U.S. Pat. No. 6,314,267) discloses an image forming apparatus comprising an image forming unit; a recording material supply unit being disposed below the image forming unit; a discharge portion in an upper part of the apparatus; and a reader unit.

Omata et al. (U.S. Pat. Pub. No. US 2003/0118367 A1) discloses an image forming apparatus comprising an image forming unit; a recording material supply unit; a control unit; and a power supply unit.

Matsui (JP 2000-177908) discloses an image forming apparatus comprising a power supply unit being large and heavy.

Ogida et al. (JP 2002-278194) discloses an image forming apparatus comprising an image forming unit; a recording material unit being disposed below the image forming unit; a discharge portion in an upper part of the apparatus; a reader unit; and a power supply unit being arranged on an inner side of the recording material unit.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (703) 308-7617. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sophia S. Chen
Primary Examiner
Art Unit 2852

Ssc
June 2, 2004